

LYNCH, S.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

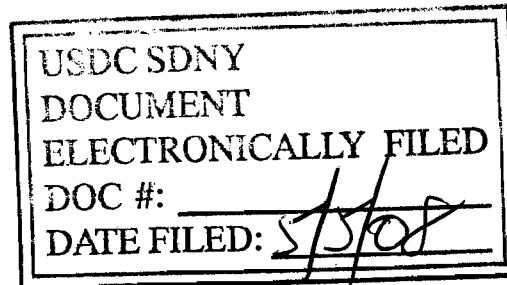
CLASSY KID, INC.,

Plaintiff,

-v.-

DIXON TICONDEROGA COMPANY,

Defendant.



ECF CASE

CIVIL ACTION NO. 07-CV-11175 (GEL)

STIPULATION AND ~~PROPOSED~~ ORDER

WHEREAS, Plaintiff, CLASSY KID, INC. ("Plaintiff"), filed a Complaint against Defendant, DIXON TICONDEROGA COMPANY ("Defendant"), on December 11, 2007, alleging that Defendant has infringed on Plaintiff's trade dress;

WHEREAS, Plaintiff served Defendant with a Summons and a copy of the Complaint on January 8, 2008;

WHEREAS, pursuant to Rule 12(a)(1)(A) of the Federal Rules of Civil Procedure, Defendant's response to Plaintiff's Complaint was originally due to be served on Monday, January 28, 2008;

WHEREAS, the parties stipulated to an enlargement of time for Defendant to respond to the Complaint through and including February 11, 2008 and to further enlargements of time for Defendant to respond to the Complaint through and including May 2, 2008;

WHEREAS, the Court entered Orders approving the stipulations on or about January 30, 2008, February 13, 2008, February 27, 2008, March 24, 2008, and April 16, 2008;


WHEREAS, Plaintiff and Defendant have been attempting to resolve the dispute between them without further litigation, and are attempting to reduce a conceptual agreement to writing.

WHEREAS, in the event that Plaintiff and Defendant are not able to reduce the agreement to writing, Defendant will require additional time to respond to the allegations of Plaintiff's Complaint;

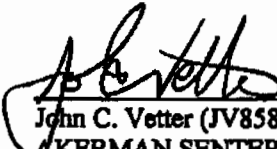
WHEREAS, the parties agree that under the circumstances a further enlargement of time for Defendant to respond to the Complaint through and including May 23, 2008 is appropriate;

Subject to the approval of the Court, it is HEREBY STIPULATED AND AGREED, by and among the parties, that Defendant's time to move, answer, or otherwise respond to the Complaint in this action is extended through and including, May 23, 2008.

Dated: May 2, 2008.


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*Counsel for Defendant,
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SO ORDERED

BY: 
HONORABLE GERARD E. LYNCH, U.S.D.J.

Dated: 5/5/08